

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-106-FDW**

THIS MATTER is before the Court following Plaintiff's failure to comply with the Court's order dated January 4, 2017, in which the Court allowed Plaintiff twenty days in which to return a summons form to the Clerk for service of process on Defendant Cable. See (Doc. No. 26). The Court expressly warned Plaintiff in its Order that if he failed to respond to the Court's Order his claim against Defendant Cable would be dismissed without prejudice and without further notice to Plaintiff. Plaintiff has failed to return a summons form to the Clerk for service of process on Defendant Cable, and the time to do so has passed.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's claim as to Defendant Cable is dismissed for Plaintiff's failure to respond to this Court's order dated January 4, 2017.
- (2) The Clerk of this Court is directed to terminate Cable as a named Defendant in this action.

Signed: March 6, 2017


Frank D. Whitney
Chief United States District Judge

